

APPEAL NO. 151391
FILED JULY 28, 2015

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A hearing officer issued an Order for Attorney's Fees (Order) Sequence No. 88, on May 13, 2015, granting 5.00 hours of attorney's fees at \$200.00 an hour for a total attorney fee request of \$1,000.00. The appellant (carrier) appealed the granting of attorney's fees which were submitted for services provided on August 22, 2012, identified as drafting a letter to the appeals panel.

The carrier contends that neither the carrier nor the carrier's attorney received a copy of respondent 1's (claimant) response to the carrier's request for review and questions whether a response was ever filed. Neither the claimant nor the (respondent 2) responded.

DECISION

Reversed and remanded.

The Texas Department of Insurance, Division of Workers' Compensation (Division) Order for Sequence No. 88, dated May 13, 2015, grants attorney's fees to the claimant's attorney for drafting a letter for review by the appeals panel on August 22, 2012. The standard for review in an attorney's fees case is abuse of discretion. Appeals Panel Decision (APD) 061189, decided July 24, 2006. This case involves a claimant's attorney's fees in a supplemental income benefits dispute. See Section 408.147(c) and 28 TEX. ADMIN. CODE § 152.1(f) (Rule 152.1(f)).

Division records indicate that the carrier filed an appeal in Appeal No. 121685 but that no response was received by the claimant. The carrier contends in its appeal of Order (Sequence No. 88) that it never received a response to its request for review from the claimant. Given the discrepancy between the Division records and the request for attorney's fees regarding correspondence to the Appeals Panel performed on August 22, 2012, by claimant's attorney, we remand the Order to the hearing officer for a hearing regarding these requested fees.

Pending resolution of the remand, a final decision has not been made in this case. However, since reversal and remand necessitate the issuance of a new decision and order by the hearing officer, a party who wishes to appeal from such new decision must file a request for review not later than 15 days after the date on which such new decision is received from the Division, pursuant to Section 410.202 which was amended

June 17, 2001, to exclude Saturdays and Sundays and holidays listed in Section 662.003 of the Texas Government Code in the computation of the 15-day appeal and response periods. See APD 060721, decided June 12, 2006.

The true corporate name of the insurance carrier is **NEW HAMPSHIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
211 EAST 7TH STREET, SUITE 620
AUSTIN, TEXAS 78701-3218.**

Margaret L. Turner
Appeals Judge

CONCUR:

Veronica L. Ruberto
Appeals Judge

Carisa Space-Beam
Appeals Judge